

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE: BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

Case No.2:15-MD-02641-DGC

This Documents Relates to Plaintiff:
Susan Cernosek

Civil Case No. 2:17-cv-02035-DGC

MOTION FOR SUBSTITUTION OF PARTY PLAINTIFF

Counsel, pursuant to Rule 25(a)(1) of the Federal Rules of Civil Procedure, hereby moves this Court for an order substituting Wilbert Cernosek as administrator of the estate of Susan Cernosek for the named Plaintiff in this case. As grounds therefor, counsel states as follows:

1. Susan Cernosek filed a products liability action on June 26, 2017 (Doc. 1).
2. Susan Cernosek passed away on January 11, 2019. (MDL Doc. 20113)
3. A Suggestion of Death was filed on September 5, 2019. *Id.*
4. Wilbert Cernosek is the surviving spouse of Susan Cernosek and the Administrator of Susan Cernosek's estate.

5. Pursuant to Fed. R. Civ. P. 25(a)(1), the Court may order substitution of the proper parties upon a motion by any party or by the representative of the deceased party.

6. A copy of Wilbert Cernosek's proposed amended short form complaint reflecting the requested substitution is attached hereto as **Exhibit A**.

WHEREFORE, Wilbert Cernosek, as Administrator of the estate of Susan Cernosek, deceased, respectfully requests this Court grant his motion for Substitution of Party and Leave to Amend the Complaint. A proposed Order is attached hereto as **Exhibit B**.

Respectfully Submitted,

THE MAHER LAW FIRM, P.A.

By: s/ Matthew S. Mokwa

Matthew S. Mokwa (FL Bar No. 47761)

(admitted *pro hac vice*)

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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of December, 2019, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF system for filing and transmittal of a Notice of Electronic Filing.

/s/ Matthew S. Mokwa